

QUT Digital Repository:
<http://eprints.qut.edu.au/>



Dwyer, Angela (2009) *Identifiable, queer and risky : the role of the body in policing experiences for LGBT young people*. In: Proceedings of the 2009 Australian and New Zealand Critical Criminology Conference, 8-9 July 2009, Melbourne, Victoria.

© Copyright 2009 please contact the author

Dr Angela Dwyer

Lecturer

School of Justice, Faculty of Law

Queensland University of Technology

2 George Street

Brisbane, QLD, Australia 4001

Ph: 07 313 87104 / 0413 001 279

Fax: 07 313 87123

Email: ae.dwyer@qut.edu.au

Biographical note: Dr Angela Dwyer is a lecturer in the School of Justice, Faculty of Law, QUT. She is an author of *Sex, Crime and Morality* with Sharon Hayes and Belinda Carpenter to be published in 2010 with Federation Press. Angela is currently conducting two research projects. The first project investigates how LGBT young people experience policing in Brisbane, Queensland. The second project records the histories of LGBT police officers in Queensland post WWII. Angela was recently elected as General Member of the The Australian Sociological Association (TASA) Executive Committee for 2009-2010 and is Editor of the TASAWeb (www.tasa.org.au). In this role, she has established a scholarship for Sociologists Outside Academe to maximise the participation of non-academic sociologists with TASA.

Identifiable, queer and risky: The role of the body in policing experiences for LGBT young people

Abstract

This paper explores how visibly non-heteronormative bodies mediate policing experiences of LGBT (lesbian, gay, bisexual, transgender) young people, an area that has been mostly ignored in research about policing young people. Informed by interviews with 35 LGBT young people in Brisbane, Queensland, this paper addresses this gap by exploring how the non-heteronormative body mediates policing experiences of LGBT young people. Drawing on Foucault (1984), Butler (1990a), and other queer theory, the paper argues young non-heteronormative bodies visibly perform ‘queerness’, are *read* by police, and shape police-LGBT youth interactions. While this is complicated by looking at-risk (in terms of risk factors like homelessness, substance abuse), and looking risky (in terms of risk-taking or criminalised activities), the paper concludes noting how youthful LGBT bodies are regulated by police as non-heteronormative and deviant.

Introduction

Recent literature suggests the relationship between young people and the police is problematic (CMC 2009). A plethora of research work has particularly interrogated how young people from diverse groups interact with police, with a focus on sociological factors such as ethnicity, indigeneity, social class, and gender (cf. Cunneen & White 2007). Interestingly, despite difficulties between police and LGBT (lesbian, gay, bisexual, transgender) communities in history (Groves 1995), only limited international research

(Remafedi 1987) and no Australian research has focused on sexual orientation and/or gender diversity as a factor in policing young people.

This paper analyses interviews with 35 LGBT young people in Brisbane, Queensland documenting how LGBT young people experience policing. Informed by poststructural queer theory, the analysis demonstrates how the body visibly performs a discourse of ‘queerness’ in interactions with police. The paper initially overviews existing international literature and demonstrates the lack of Australian literature. The poststructural methodological framework that guided the research is then explained. The analysis follows demonstrating how young non-heteronormative bodies perform ‘queerness’ and are read discursively by police officers, and how this is complicated by looking at-risk and looking risky in public spaces. The paper concludes noting how visibly ‘queer’ bodies produce unsatisfactory police interactions with LGBT young people and notes concerns for future research.

Why focus on how the body mediates policing with LGBT young people?

Research about young people and police suggests their interactions are marked by police harassment (Alder et al 1992). Research has particularly focused on the impact of policing on young people from diverse groups, particularly ethnic groups. Australian research (Youth Justice Coalition of NSW 1994) examining young peoples’ policing experiences found young people from non-English backgrounds were far more likely (than Australian-background young people) to be searched, arrested and injured during their contact with police, particularly if they were in groups. It seems unusual that the policing experiences of LGBT young people have been overlooked given that diversity clearly impacts upon policing young people.

Research about LGBT young people and policing is limited and mostly compares young people with broader LGBT community experiences (see for example Williams & Robinson 2004). We know LGBT young people in the United Kingdom are four times more likely (than employed LGBT people) to feel harassed by police, and those experiencing physical victimisation are seven times more likely to experience police discrimination/harassment (Williams & Robinson 2004). In Australia, LGBT young people are significantly less likely to be confident reporting victimisation to police (Attorney General's Department NSW 2003). Most importantly, research demonstrates how LGBT young people changed their non-heteronormative appearance to avoid victimisation in public spaces (NSW Attorney General's Department 2003). In addition, other research shows how police can look at and learn about the department of gay male bodies (Praat & Tuffin 1996) and police use this to 'entrap gay men by mimicking gay bodily appearances, gestures and mannerisms' (Dalton 2007:375). Even so, only one dated United States study has linked LGBT young people with police contact (Remafedi 1987). The research reported in this project begins to address this gap with a specific focus on the role of the non-heteronormative body.

Poststructural methodological framework

The research project explores the *intersectionality* (Davis 2008) between poststructural concepts of the body (Foucault 1984, Kirby 1997), performativity (Butler 1990a, 1990b), and visibility (Skeggs 1999), and the concepts of queer (Ault 1996) and heteronormativity¹ (Jackson 2003) from queer theory. In this research, the body is *inscribed* (Foucault 1984)

¹ *Heteronormativity* involves how heterosexuality is normalised and invested with the power to define other sexualities as marginal and abnormal.

and *done* (Butler 1990b) in ways that *perform* (Butler 1990a) a discourse of non-heteronormative *queerness*.² Queerness marks the body as a *text* (Kirby 1997) and the *visibility* (Skeggs 1999) bodily text is readable and knowable by others. The term *queer* ‘signified not only those who mark themselves as gay or lesbian, but anyone whose proclivities, practices, or sympathies defy the strictures of the dominant [heteronormative] sex/gender/sexual identity system’ (Ault 1996:322). Non-heteronormative embodiment, then, implies a multiplicity of bodily practices that *queer* and therefore disrupt and destabilise heterosexuality, particularly in public spaces.

The research embedded in this framework employed a qualitative, exploratory approach using a convenience sample of 35 LGBT young people that accessed the only two LGBT youth service providers in Brisbane, Queensland. The research question was: How do LGBT young people experience policing in Brisbane, Queensland, and what are the outcomes of these experiences? Ethical clearance was obtained from the Human Research Ethics Committee at the Queensland University of Technology (October 2008) and semi-structured interviews conducted between November 2008 and May 2009. All data was audio recorded and de-identified using pseudonyms nominated by participants. Data was then transcribed electronically, coded using NVivo, and thematically analysed.

‘Last time I checked it wasn’t a crime to be annoyingly gay’: How the body matters

According to participants, the body was a significant factor in how LGBT young people experienced policing. Discursive ideas about *queerness* were inextricably linked to how the body matters: ‘if you’re dealing with the police, my experience is don’t flaunt it. Do not act

² *Queerness* constitutes a set of discursive ideas about how the body is done in ways that *queer* expectations of heteronormativity.

gay do not sound gay because they'll pick that up' (Pinky, 18, male). Participants reflected stereotypical media discourses in describing what queering bodies looked like. For example, young lesbian female bodies constituted 'chicks who look manly', 'butch' and 'dykey'. When asked for further information about what 'dykey' meant, participants did not elaborate: 'some people dress up more dykey or butchy or whatever you call it'. The only distinction made was between those who were 'really dykey looking' and 'really girly dykes'. The key concern about these bodies was 'bull dykey looking girls are treated a lot more rougher than a normal looking girl' (Xavier, 22, FTM [female to male]). In contrast, young gay male bodies were described as 'really fairy as boys'. These bodies were inscribed as 'really camp and queer', 'looking really fabulous' and 'outrageously you know camp or gay', but participants also noted how these bodies were *done* (Butler 1990b) in terms of bodily comportment as 'skipping around', 'floating down the street' and 'prancing'. The concern for all participants was that 'guys who look girly cop worse than chicks' (Alex, 18, male).

A range of other appearance related factors (clothing, make-up, hairstyles) were noted as making their bodies 'more easily identifiable' to police who read these bodies in terms of inscribed (Foucault 1984) discourses of butch or camp:

Well I'm a pretty butch girl so I've never had any really good relationships with police...I didn't really get treated that well cause they were like 'Ah you should stand up for yourself you're butch' and it was just like 'Yeah I'm a 14 year old kid with shaved head like that's just me'. I think that the way you look is the way you get judged when it comes to the police (Tayden, 19, female).

Participants tended to focus on how their clothing preferences, like being 'in drag', performed visible queerness, with discussion centred on colour ('rainbow armbands' and

‘outrageous colourful outfits’) and tightness: ‘I had like a...real thin singlet and just a real tight pair of shorts...I looked really sort of you know I had my hair done’. Colour and tightness were discussed as central to performing queer subjectivity by using the body, particularly in public spaces. Bodies marked in these ways were assumed by the participants to make visible queerness in mundane, iterative ways (Butler 1990a) that could be read by onlookers, including the police.

Complicating queer visibility: Other visible bodily factors that inform policing

Examining the influence of non-heteronormative bodies was always complicated by other factors. Participants noted two factors that made it harder to discern if police were responding to bodies that queer heteronormativity. Firstly, participants noted *looking at-risk* (of drug use for example) shaped their policing experiences: ‘they asked me if they could go through my pockets and...you know they were suspicious of my um I have type one diabetes so they were suspicious of my needles and insulin’ (Jimmy, 20, female). Secondly, *looking risky* and suspected involvement in illegal activities informed policing experiences: ‘if you’re dressed up with full piercings...they tend to take more notice and tend to hang around because you do look like you’re going to do something bad’ (Romeo, 18, female). While these factors mediated how LGBT young people experienced policing, participants also noted police responding to bodies that queered heterosexuality.

Reading bodies as queer: Police responses to visibly queering bodies

Participants recounted circumstances where police *read* LGBT young bodies as non-heteronormative and responded to them in ways that differentiate from heterosexual bodies.

Responses included: homophobic police language, police discrimination, and policing queer (same sex) intimacy.

‘Being lippy’: Homophobic police language

Participants spoke about responses from police where homophobic pejoratives were used in their interactions with LGBT young people. They noted how police appeared to read LGBT young peoples’ bodies as queering heteronormativity and used homophobic pejoratives in their interactions with them:

When I was with my friends that look really gay the police actually said something really rude...it’s like if you look gay it’s like you’re asking for it...like you’re just out and they say something...faggot, homo, the c word (Misch, 19, male).

What is most concerning about police homophobic language are the secondary consequences for LGBT young people in this research. A common outcome, that further criminalised young people, was what participants called ‘going off’, which involved retaliatory verbal abuse of police officers: ‘they didn’t pull me up they just drove past saying ‘queer faggot’ and I’m like ‘whoa!’ so I went off at them then I got charged verbal abuse’ (Alexis, 19, male). These examples leave no doubt that police officers are reading LGBT young people in terms of a discourse of queerness, performed on and with the body. The body is read here as breaching the boundaries of acceptable heterosexual embodiment (Jackson 2003) and they are marked in this way through police interactions. ‘Going off’ was a key way that LGBT young people reacted to police homophobia and they were further criminalised as a result, with a number of young people noting subsequent charges from incidents like this.

‘If I’m not looking really gay they’ll be a lot nicer’: Police discrimination

Participants noted interactions where they thought police were discriminating against them in ways that may not be experienced by heterosexual young people. Accounts evidenced how police appeared to read LGBT young bodies as queering heteronormativity and responded to them as such. In some cases, participants noted instances where this was implied rather than explicit in their interactions with police:

You know we all had short hair my group and we don’t dress in dresses and stuff like that we’re all kinda tomboys. As soon as they realised that’s that the way it was they kinda switched their attitude towards us and they started to be quite negative and they started to blame us for the incident itself (Kimi, 21, female).

I’ve been with my boyfriend with police around...they kinda just give you a weird look and look the other way (Alex, 18, male).

A number of situations like this were recounted that indicated police were reading and responding to bodies that perform ‘queerness’ in public spaces. Participants consistently acknowledged how doing embodiment (Kirby 1997) in ways that queered heterosexuality made interactions with police differently difficult to experiences of other young people in public spaces.

Other participants discussed how police were acting in overtly discriminatory ways. These situations clearly demonstrate police reading an LGBT young person’s body as queering heteronormativity and responding in discriminatory ways:

First time I got arrested right I was dressed up going to 'Fluffy's' so I was all prettied up and all my makeup on and the cops were like calling me a fag and a poof and shit and they were like calling me a bitch and stuff and saying I dress up like Britney Spears (John, 18, male).

A friend of mine was actually was being abused by some redneck idiot half way across the mall...yelling out 'you're a faggot'...very derogatory horrible things and the police officer actually said to him 'well it may be if you didn't dress like that you wouldn't have much of a problem' (Addisyn, 19, male).

One instance of police discrimination stood out in this study as it evidenced police manipulating legitimate policing processes and regulations in what appeared to be an attempt to directly punish the young person for queering norms of heterosexuality:

I got a \$125.00 fine for telling a copper they looked hot in their uniform um this male cop like if I had've been some big breasted blonde bimbo he probably would have let me off the fine...but cause he was a straight male copper that was insulting to him...I was in a car when I said it and we were driving past him...he said I had my body parts like right out the window so he wrote the fine out under that and they had me in the interview room and he told me that he was giving me the fine because that offended him...cause he knew he couldn't give me a fine just for telling him he was hot (Mac, 19, male).

This and other situations clearly confirm police may be breaching legislation in their interactions with LGBT young people. More importantly, policing practice appears to be working through assumptions that queering heteronormativity (Butler 1990a) is deviant

and therefore requires punishment, something made very apparent in the policing of same sex intimacy recounted by participants.

Queer intimacy and policing public decency

Although same sex intimacy is not an offence in Queensland indecency legislation (*Criminal Code Act 1899* [QLD] s208), participants noted how police explicitly regulated same sex intimacy in public spaces. Participants' noted how police read bodies as visibly engaged in queering heterosexual intimacy and sought to control these displays in terms of public decency:

I was in Anzac square drinking which I probably shouldn't have been doing but I had my boyfriend there with me and I was hugging him and I got slapped with a fine and everybody else got let off (Addisyn, 19, male).

While most of these situations did not involve actual criminal penalties, one young person noted being fined on two separate occasions for 'making out' with his boyfriend in public spaces and having this fine written up as an offence of public nuisance:

[We were] making out in a train station coppers came along and fined us actually...This is public offence or some crap...Shopping centre copper [in] Capalaba, me and my partner were making out at like 9 at night I got charged again for the same thing public nuisance or disturbance (Alexis, 19, male).

A strong theme is made apparent in these comments: queering heterosexual intimacy in public spaces is unacceptable and illegally targeted by police as a matter of public decency. In this stuffy, doing (Butler 1990b) particularly same sex intimacy in public spaces is defined by police as deviant and in need of intervention.

Conclusion

Although the research is limited geographically to Brisbane, Queensland, and limited by accessing marginalised LGBT young people as a convenience sample, the results demonstrate the non-heteronormative body matters in policing LGBT young people. It highlights how the body can be *done* in ways that perform ‘queerness’ and, in turn, is a body surveilled, regulated, and controlled by police in illegal and discriminatory ways. While these experiences are mediated by looking at-risk and risky, LGBT bodies in this study are ‘successfully defined as deviant [and] subject to intense surveillance’ (Tomsen 1996: para 4) and illegal policing practices. Future research could replicate Alder et al.’ (1992) study incorporating measures of sexuality and gender diversity to provide data on the types and levels of police contact experienced by LGBT young people. The role of homophobia in policing also needs to be examined in an Australian context. Finally, more targeted police training programs are needed in Queensland to overcome police discrimination. Although international scholars suggest LGBT policing has improved (Sklansky 2006), this study shows a vastly different picture of discriminatory policing practices in public spaces that would undoubtedly cause LGBT young people to distrust the police and discourage them from accessing their support.

Acknowledgements

The author would like to thank the reviewers for their very helpful comments on this paper. The research would not have been possible without generous funding for interview transcription from the Faculty of Law at QUT and PFLAG Brisbane.

References

Alder C, O'Connor I, Warner K & White R 1992 *Perceptions of the treatment of juveniles in the legal system* Report to The National Youth Affairs Research Scheme National Clearinghouse for Youth Studies Hobart

Attorney General's Department of NSW 2003 *You Shouldn't Have to Hide to be Safe: A report on homophobic hostilities and violence against gay men and lesbians in New South Wales* Attorney General's Department of NSW

Ault A 1996 'The dilemma of identity: Bi women's negotiations' in Seidman S (ed) *Queer Theory/Sociology* pp 311-329 Cambridge Blackwell Publishers

Butler J 1990a *Gender trouble: Feminism and the subversion of identity* Routledge New York

Butler J 1990b 'Performative acts and gender constitution: an essay in phenomenology and feminist theory' in Case S (ed) *Performing feminisms* pp 270-282 The John Hopkins University Maryland

Crime and Misconduct Commission (CMC) 2009 *Interactions between police and young people* Crime and Misconduct Commission Fortitude Valley

Criminal Code Act 1899 (QLD)
http://www.austlii.edu.au/au/legis/qld/consol_act/cc189994/ (accessed 13 October 2009)

Cunneen C & White R 2007 *Juvenile justice: Youth and crime in Australia* (3rd ed)

Oxford University Press South Melbourne

Dalton D 2007 'Policing Outlawed Desire: 'Homocriminality' in Beat Spaces in Australia'

Law Critique vol 18 pp 375

Davis K 2008 'Intersectionality as buzzword: a sociology of science perspective on what makes a feminist theory successful' *Feminist Theory* vol 9 pp 68

Dwyer A 2008 Policing queer bodies: focusing on queer embodiment in policing research as an ethical question *QUT Law and Justice Journal* vol 8 no 2 pp 414-428

Foucault M 1984 'Nietzsche, genealogy, history' in Rabinow P (ed) *The Foucault reader* pp 76-100 Penguin London

Groves M 1995 Not so tasty *Alternative Law Journal* vol 20 no 3 pp 123-127

Jackson S 2003 'Heterosexuality, heterosexuality and gender hierarchy: Some reflections on recent debates' in Weeks J, Holland J & Waites M(eds) *Sexualities and society: A reader* pp 69-83 Polity Cambridge

Kirby V 1997 *Telling flesh: The substance of the corporeal* Routledge New York

Praat AC & Tuffin KF 1996 Police discourses of homosexual men in New Zealand

Journal of Homosexuality vol 31 no 4 pp 57-73

Remafedi G 1987 Adolescent homosexuality: psychosocial and medical implications

Pediatrics vol 79 pp 331-337

Skeggs B 1999 'Matter out of place: Visibility and sexualities in leisure spaces' *Leisure*

Studies vol 18 pp 222

Sklansky DA 2006 Not your father's police department: Making sense of the new demographics of law enforcement *Journal of Criminal Law and Criminology* vol 96 pp

1209-43

Tomsen S 1996 Ruling men? Some comments on masculinity and juvenile justice *The*

Australian and New Zealand Journal of Criminology vol 29 viewed 19 August 19 2007

LexisNexisAU database

Williams ML & Robinson AL 2004 Problems and prospects with policing the lesbian, gay

and bisexual community in Wales *Policing & Society* vol 14 no 3 pp 213-232

Youth Justice Coalition of NSW 1994 *Nobody Listens: The experience of contact between*

young people and police Youth Justice Coalition of NSW the Western Sydney Juvenile

Justice Interest Group and the Youth Action and Policy Association Sydney